

TOWN OF TYNGSBOROUGH

Office of the Selectmen
25 Bryant Lane
Tyngsborough, MA 01879
Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

APPROVED

Board of Selectmen Meeting Minutes

Monday, March 28, 2011

6:00 P.M.

Town Offices, 25 Bryant Lane

Members Present: Selectwoman Ashley O'Neill, Selectwoman Elizabeth Coughlin, Selectman Rick Reault, Selectman Rich Lemoine, Selectman Robert Jackson

Staff Present: Michael Gilleberto, Town Administrator, Therese Gay, Admin Assistant

The listing of matters are those reasonable anticipated by the Chairman which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law.

1. 6:00 PM Open Meeting

The Chairwoman opened the meeting, the Board members introduced themselves and the Clerk read the agenda.

2. New Business

• 6:05 PM Special Permit Hearing- Fiesta Shows - Carnival Pheasant Lane Parking Lot

The Board voted unanimously to open the meeting on a motion by Selectman Lemoine, second by Selectman Jackson. Selectman Reault read the legal notice published in the local publication. The Board voted unanimously on a motion by Selectman Lemoine, second by Selectman Jackson to waive the reading of the abutter's list. Mr. Flynn presented his petition for a carnival at the Pheasant Lane Mall parking lot on April 20th to the 24th the hours will be Wednesday to Friday 6:00 PM to 10:00 PM; Saturday from 12:00 Noon to 10PM and Sunday from 12:00 Noon to 8:00 PM. Mr. Flynn will secure all the necessary permits and will have adequate security. He will discuss additional security for younger children with the Police Chief and the detail officer. The State will inspect all mechanical rides as per statute. The Board voted unanimously on a motion by Selectman Reault, second by Selectman Jackson to grant the application subject to the following conditions, safeguards and limitations on time or use if any. The applicant is to provide the Public Safety Officials a site layout of the circus and provide an updated Certificate of Insurance and to provide public safety personnel. The applicant will apply for a permit for any signs under section 3.11.00.

Following the hearing and based on the presentations during the hearing by the abutters, (no abutters were present) regarding the Zoning Bylaw 2.11.50 the Board of Selectmen made the following specific findings regarding the land in question and the proposed use:

- a. Is in harmony with the purpose and intent of this Bylaw.
As this is a temporary event and is within a business zone;
- b. The proposed business will not be detrimental or injurious to the neighborhood in which it is to take place.

As the site is the parking lot of the mall, the neighborhood other than the mall itself should be unaffected by this event;

- c. The business is appropriate for the site in question. The parking lot is large enough to accommodate a number of amusement devices. And traffic circulation in the mall parking areas should be adequate for the event;

- d. Complies with all applicable requirements of this bylaw. The applicant is to provide the Public Safety Officials a site layout of the carnival and has provided an updated Certificate of Insurance and will provide public safety personnel. The applicant will apply for a permit for any signs under section 3.11.00.
- e. Complies with the town's request to prohibit the traveling personnel from sleeping in a box trailer.

Members present and voting: Selectman Robert Jackson, yes; Selectman Rich Lemoine, yes; Selectwoman Elizabeth Coughlin, yes; Selectwoman Ashley O'Neill, yes; Selectman Richard Reault, yes.

- **Animal Inspection – review candidates and make appointment**

The Board received three letters of interest. Two letters were from residents and one letter from the Town of Westford. After reviewing the letters the Board voted unanimously on a motion by Selectman Reault, second by Selectman Jackson to appoint David Robson as the Town's Animal Inspector term to expire June 30, 2011.

3. Old Business

- **Building Access Policy**

The Board is waiting for the final review document from Town Counsel, the Board deferred action until their next scheduled meeting.

- **Annual Town Meeting – updated schedule**

The Board and Finance Committee are working on the departmental budgets and are waiting for final numbers from the State. With the tight scheduling the Board voted unanimously to set the Annual and Special Town meeting date for Tuesday June 7, 2011 at 7PM at the Elementary School, 205 Westford Road. The submission of warrant articles will close on April 15, 2011.

- **Net Metering / Solar**

The Board has received Town Counsel's review of the letter of intent from SPP DG Devco, LLC. The letter of intent is to show support for the project and that we may have an interest. This letter is not a legal binding document. The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to show support and sign the letter of intent as reviewed by Town Counsel.

- **Westford Road project**

The Board has reviewed the agreement as edited by Town Counsel; the Board has previously approved the agreement pending Town Counsel's review. The Board voted unanimously on a motion by Selectman Lemoine, second by Selectman Jackson for discussion to sign the Westford Road Project Agreement as Town Counsel recommends.

4. Citizen/Business Time

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

Ms Debra Connor has asked the Board to assist her with a decision by the Zoning Board of Appeals. The Administrator will set up a meeting between Ms Connor, Zoning Board's Chairman and himself to review and discuss the decision, Ms Connor is still waiting for the denial letter from the ZBA.

5. Pending Meeting Minutes

- **Regular Session**

- February 28, 2011
- March 14, 2011
- March 21, 2011 (approved)

The Board received and reviewed the Minutes listed above. The Board voted 4-0-1 on a motion by Selectman Lemoine, second by Selectman Jackson to approve the minutes of March 21, 2011.

- **Executive Session**

- January 24, 2011 (approved)

- **February 7, 2011 (approved)**
- **February 13, 2011**
- **February 22, 2011(approved)**
- **February 28, 2011(approved)**
- **March 14, 2011(approved)**
- **March 21, 2011(approved)**

The Board received and reviewed the Executive Session Minutes listed above. The Board voted 4-0-1 on a motion by Selectman Lemoine, second by Selectman Jackson to approve the Executive Session Minutes of February 22, February 28, March 14 and March 21, 2011.

6. Correspondence

Correspondence is posted at www.tyngsboroughma.gov with approved meeting minutes, per the requirements of the Massachusetts Open Meeting Law.

The Board voted unanimously on a motion by Selectman Reault, second by Selectwoman Coughlin to accept the correspondence as read. Selectman Reault read the Police Chief's commendation letter to Officer Walsh for his actions in the apprehension of two thieves seen robbing from residents' motor vehicles. Selectman Jackson commented on the Russ Reid letter offering services for Federal Funding. Selectman Lemoine congratulated the Fire Department on their receipt of a state grant and asked the Administrator to contact the Chief and ask if he could attend the Selectman's meeting of April 11th or 25th. Selectman Lemoine has asked that the Westford ACO investigate the animal complain that was received, and asked the status of the street acceptance. He also spoke of the DCS letter received, Selectwoman Coughlin updated the Board that the Energy Committee is already in the program and is very much involved. Selectman Reault thanked the residents for getting involved; and heeding Selectwoman Coughlin's advice that if they see something suspicious to call the Police Dept, someone did and the thieves were apprehended.

7. Selectmen's Reports

- Selectman O'Neill – Capital Asset Management Committee

Selectwoman O'Neill congratulated the Fire Dept in receiving the Safer Grant.

- Selectman Coughlin – Energy and Environmental Affairs/Licenses/Insp/Utilities

Selectwoman Coughlin attended a joint MIT/Harvard conference on wind facility setting. The Energy Committee is working with the Planning Board on writing a wind energy by-law. The consultant for clean energy centers is still in the works. The street lighting is going forward, and the insulation project is ongoing. Selectwoman Coughlin spoke on the renewable energy, stimulus money and partnering with the DCS group. There is a Solarize grant being applied for it is a joint venture with the Energy Committee and the Clean Energy Committee. The Board voted 5-0 on a motion by Selectwoman Coughlin, second by Selectman Reault to submit the Solarize Mass Application and fully co-operate with the Mass CEC in this program.

There is no financial obligation for the Town. There has been no answer yet on the electric vehicle grant, there will be a stretch code seminar in Lowell on April 4th the Energy Committee is looking to offer the seminar in Tyngsborough later in May.

- Selectman Reault – Northern Middlesex Council Of Government

The census number for 2010 are available and Tyngsborough has a 10% increase in housing and will be able to provide the community with affordable housing status and will be able to forecast the build out.

- Selectman Lemoine – Economic Development

Selectman Lemoine has asked that the Hydro Electric co be invited to a future Board's meeting to discuss their program and what the impact will be.

- Selectman Jackson – Insurance Committee/Meeting Minute Status

The Insurance Committee will be meeting on Wednesday at 6:30pm the public is welcome, the committee could have a recommendation on health insurance to the Board shortly, next will be the property and casualty forum.

8. Town Administrator's Reports

The Administrator commented on the dangers that our public safety officers face everyday, the commendation letter and today's structure fire clearly showed the danger these individuals face. The CPC is conducting preliminary talks with an architect and will discuss at a later committee meeting. The Highway Dept announced that the street sweeper will start sweeping the streets in town next week.

9. 8:30 P.M. Executive Session

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

- Collective Bargaining
- Litigation
- Personnel

The Board voted on a motion by Selectman Jackson, second by Selectman Reault to enter into Executive Session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations as an open meeting may have a detrimental effect on such subject matters and to return to open session only to adjourn. Roll Call Vote: Selectman Jackson, yes; Selectman Lemoine, yes; Selectwoman Coughlin, yes; Selectwoman O'Neill, yes; Selectman Reault, yes. The Board entered into executive session at 7:50 P.M.

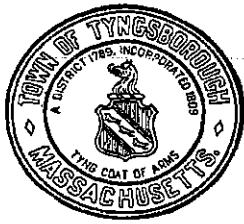
10. Adjournment

The Board voted unanimously on a motion by Selectman Reault, second by Selectman Jackson to adjourn the meeting. The meeting adjourned at 9:00 P.M.

Respectfully Submitted

Therese Gay

Approved on Tuesday 4/25/11



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Pheasant Lane Parking Lot
- Animal Inspection - review candidates and make appointment

3. Old Business

- Building Access Policy
- Annual Town Meeting - updated schedule
- Net Metering / Solar
- Westford Road project

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- Selectman Coughlin – Energy and Environmental Affairs/Licenses/Insp/Utilities

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- Selectman Reault – Northern Middlesex Council Of Government
- Selectman Lemoine – Economic Development
- Selectman Jackson – Insurance Committee/Meeting Minute Status

8. Town Administrator's Reports

Report is available online at www.tyngsboroughma.gov

- Response to Selectmen's Requests
- Budget
- Departmental Information
- Contracting/Procurement
- Other

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- Collective Bargaining
- Litigation
- Personnel

10. Adjournment

Future Meetings

Meeting Monday, April 4, 2011 at 6:00 P.M. at Town Hall Offices.

Meeting Monday, April 11, 2011 at 6:00 P.M. at Town Hall Offices.

Meeting Monday, April 25, 2011 at 6:00 P.M. at Town Hall Offices.

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